

REMARKS

I. Amendment To The Claims

In response to Election/Restriction Requirement, claims 3-4, 7-8, 11 and 25 have been amended, and claims 1-2, 5-6, 10, 12-24 and 26-32 have been canceled. Upon entry of the present amendments, claims 3-4, 7-9, 11 and 25 are pending in this application. No new matter has been introduced by the amendments, and their entry is respectfully requested.

By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to prosecute the subject matter of any canceled or withdrawn claims in one or more continuation, continuation-in-part, or divisional applications.

II. Election/Restriction Requirement

A Restriction Requirement under 35 U.S.C. §121 has been entered in the present application. The Restriction Requirement identifies three groups:

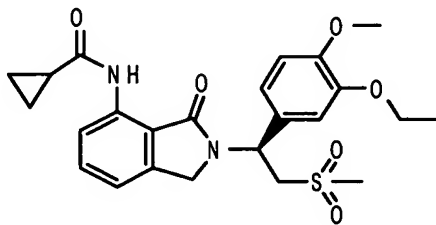
- Group I. Claims 1-2, 5-6 and 10-24, drawn to a method of treating, managing and preventing cancer administering a selective cytokine inhibitory drug classified in class 514/210.02;
- Group II. Claims 3-4 and 7 drawn to treating, managing and preventing angiogenesis administering a selective cytokine inhibitory drug classified in class 514/423; and
- Group III. Claims 27-32, drawn to a pharmaceutical composition comprising a selective cytokine inhibitory drug classified in class 514/101.

Applicant respectfully traverses the restriction requirement and submits that a search related to methods or a pharmaceutical composition for use in patients with a

recited disease comprising the administration of the compounds of the claims would not impose an undue burden on the Examiner. In particular, any search directed to the recited compounds would necessarily uncover uses thereof. Thus, Applicant respectfully requests that Groups I to III be examined collectively.

In order to be fully responsive to the restriction requirement, Applicant provisionally elects, with traverse, Group II, drawn to methods of treating or preventing a disease associated with undesired angiogenesis, without prejudice to Applicant's right to prosecute any non-elected subject matter in one or more continuation, continuation-in-part or divisional applications.

In addition, Applicant has been required to elect a single species for prosecution on the merits. As for the single species to be searched, Applicant provisionally elects cyclopropyl-N-{2-[(1S)-1-(3-ethoxy-4-methoxyphenyl)-2-(methylsulfonyl)ethyl]-3-oxoisindoline-4-yl}carboxamide, which has the following structure.




which is disclosed in the originally filed specification at page 30. Further, Applicant has been required to elect a single disease. In order to be fully responsive to the requirement, Applicant elects rheumatoid arthritis recited in claim 7.

A fee of \$120.00 is believed to be due in connection with this; however, should any other fee be required, Applicants hereby authorizes that such fee be charged to Deposit Account No. 50-3013.

Respectfully submitted,

Date: May 18, 2006

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